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5 Attorneys for Defendants
6 HILLENBRAND INDUSTRIES, INC. and
BATESVILLE CASKET COMPANY, INC.

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

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11
12 IN RE FUNERAL CONSUMERS
13 Antitrust Litigation

No. C 05 01804 WHA

Consolidate Cases

No. C 05 02501 WHA
No. C 05 02502 WHA
No. C 05 02792 WHA

14 CLASS ACTIONS

15 **STIPULATION AND [PROPOSED] ORDER**
16 **REGARDING MOTION TO TRANSFER**
17 **VENUE UNDER 28 U.S.C. 1404(a)**

18 Hearing Date: N/A

19 Hearing Time: N/A

20 Judge: The Honorable William H. Alsup
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1 WHEREAS, on August 2, 2005, Defendants Batesville Casket Company, Inc.,
2 Hillenbrand Industries, Inc., Service Corporation International, Alderwoods Group, Inc., and
3 Stewart Enterprises, Inc. filed a joint motion to transfer venue to the Southern District of Texas
4 under 28 U.S.C. § 1404(a) in the actions *Funeral Consumers Alliance, Inc. et al. v. Service*
5 *Corporation International et al.* (C 05 01804 WHA), *Rocha v. Service Corporation International*
6 *et al.* (C 05 02501 WHA), and *Berger v. Service Corporation International et al.* (C 05 02502
7 WHA);

8 WHEREAS, on August 8, 2005, the Court issued an order consolidating the three cases
9 listed above and the case *Magsarili v. Service Corporation International, et al.* (C 05 02792
10 WHA);


11 WHEREAS, the parties believe that the issues of venue with regard to the *Magsarili*
12 action should be decided at the same time as the other consolidated cases;

13 THEREFORE, IT IS HEREBY STIPULATED by and between the parties through their
14 respective attorneys of record that the Defendants' August 2, 2005 transfer motion shall be
15 deemed to apply to the *Magsarili* action.

16 DATED: August 9, 2005

Respectfully submitted,

BOIES, SCHILLER & FLEXNER LLP

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DATED: August 8, 2005


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DATED: August 9, 2005

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DATED: August 9, 2005

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1 DATED: August 9, 2005

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10 SO ORDERED:

11 Dated: August 15, 2005

